

INTERNATIONAL PEACE TRIBUNAL

LETTER

ADDRESSED TO

SENATOR JOHN F. SHAFROTH

BY

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OF WASHINGTON, D. C.

RELATIVE TO

S. 2710

A BILL TO ENCOURAGE THE ESTABLISHMENT OF AN INTERNA-
TIONAL PEACE-KEEPING TRIBUNAL AND, PENDING SUCH
ESTABLISHMENT, TO INSURE THE MILITARY
PREPAREDNESS OF THE UNITED
STATES OF AMERICA



PRESENTED BY MR. SHAFROTH
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INTERNATIONAL PEACE TRIBUNAL.

WASHINGTON, D. C., *January 14, 1916.*

Hon. JOHN F. SHAFROTH,
United States Senate.

MY DEAR SENATOR: Permit me to lay before you herewith a few notes on Senate bill 2710, recently introduced by you.

The title of the bill declares its objects. They are, first, to encourage the establishment of an international peace-keeping tribunal, and, second, pending such establishment, to insure the independent military preparedness of the United States.

Numerous other pending bills cover the matter of national defense by arms alone—by independent and competitive arms.

This bill seeks to combine provisions for such armaments, made necessary by existing international relations, with a declaration in favor of that form of national defense which we enjoy as individuals, as tribes, as provinces, as federated States. It is defense by subordination to central authority.

Specific plans for organizing an armed tribunal appear in the bill.

If our great parliament will begin, we may feel sure that, throughout the world, their example will be followed in the study of such an organization.

Simultaneous discussion by responsible parliaments of identical propositions relating to an international tribunal—there lies our hope of progress toward a certain policy in this great matter.

We may find that no relief is possible from the present system of competitive armaments. Very well. Then we shall keep our powder dry, our swords sharp. But we should not pessimistically conclude against the plan of introducing order among nations. The way is shown by the conquests of that relative peace which exists between groups of which each nation is composed.

The second object is sought to be covered by a lump-sum appropriation for defense by land and sea. The amount of the appropriation is to be reached by further study. The appropriation, when made, is to be expended under the direction of a single commission.

It is fully understood by those interested in the bill that our present organization of congressional committees and of executive departments does not lend itself to this proposed arrangement. But, believing the plan a good one, the bill is made to set it forth.

This form of appropriation bill, however, is chosen chiefly as a "carrier" for the provisions of section 3. That section may appear as a proviso in any military or naval bill. It is through this section that we may "encourage the establishment of an international peace-keeping tribunal."

This is done by providing that any unexpended balance of the appropriation shall be returned to the Treasury if, at any time before the expenditure be complete, there shall have been established, with

our cooperation, an international tribunal organized substantially along the lines shown in a tentative draft of articles of agreement, which then follow.

Finally, in section 4, Congress declares its acceptance of the principle that all international disputes threatening war shall be determined by a competent tribunal; and in section 5 the President is requested to initiate negotiations looking to the establishment of such a tribunal.

The terms of the enactment are dry enough. There is little likelihood that such a tribunal as is contemplated can be established before the appropriation made by this Congress shall have been expended. Perhaps the ships we are now to build will have rotted ere the "great day" come. But if we continue, in fearless optimism, to make this proviso and to discuss these propositions, the harvest time will come—or, we shall have definitely learned that international peace is not realizable.

In the past men drank to the "great day" when their ships should sink other ships and drown many men. The "great day" we now mean is that in which these competitive engines of destruction shall be sunk, guiltless of death, or in small part, they may be retained by the tribunal for use in coercing a possible rebel or in making war against a power outside the Union, if any should exist.

The inspiration of the bill is found in the conviction that an efficient mechanism of international control can be established, and that until it is established we must be prepared to kill our enemies.

Let us not mince words. We are not ready for the beatitudes. Having no judges set over us, we intend to stand for our own views of our own rights by our own strength in arms. That is the practice of "righteousness" among independent sovereigns, whether those "sovereigns" be isolated savages or great States. That is the object of every military establishment. Whether we call it "defensive" or not matters little.

But we say to all the world through this enactment, "We prefer peaceful settlement of our differences with you. But if you will not have it so, we must arm ourselves, even as you are armed. It is for you to determine whether or not there shall now be created an armament, perhaps greater than any the world has ever seen. If created, though only with defensive intent, it must upset every existing European formula for the 'balance of power.' And perhaps it may become a new menace to the world's peace. Will you help to avoid militarism by making it unnecessary for us to arm against you?"

And how effectively is this said, in the very same breath which makes a military appropriation bill.

Those who now, regretfully, are to cast their votes for some increase of such expenditures may feel that in this proviso they have set up a standard of revolt against militarism all the world over. To this standard men of all nations may rally in their efforts to hasten the great day.

Just now we are contemplating a direct increase of the burdens upon our own poor. Indirectly, by reason of the inevitable competition in armaments, this would result in burdening more heavily the backs of the poor in all lands. By this enactment you will take the first positive official step toward a lightening of those burdens.

Even the rampant "militarist" may be glad to leave hope to the world—hope that strong men may be free to devote themselves to the vast social problems presented within every nation. Such problems transcend in real importance those that now set nations at war. This freedom can be attained only in one way. It is that which has been followed by individuals, tribes, Provinces, federated States in their struggle toward relative peace within national limits. The method has been uniform—inexorably so.

It consists in setting up over ourselves, by something contributed out of ourselves, an authority that may react against ourselves. That authority must judge our acts, and it must keep peace before judgment and after judgment. To this end it must be armed. It must be armed more strongly than any probable combination of the units or groups subjected to its action.

This armed authority rests indeed upon public opinion. But it is also a necessary organ for enforcement of the majority opinion. It would not be needed if "public opinion" were unanimous throughout the body which is to be governed. But it is not unanimous. It is diverse. Minorities urge their opinions.

Without an instrument of force these divergencies, each claiming to be "public opinion," would produce chaos.

A vast majority of individuals in every society are willing to accept the decisions of established authorities without thought of the force behind them. They are generally accepted even when not in conformity with the prevailing opinion. They are accepted because the majority believes that order is the true objective of courts—that justice, in its highest sense, is obedience to tribunals interpreting law, or, Solomon-like, settling disputes, unaffected by law.

But, in cases of extreme excitement, even these majorities tend to anarchy. And, at all times, there are minorities whose lives are almost a continual rebellion against established order. From these two causes spring soldiers, policemen, constables. And the very essence of their usefulness lies in the fact that they are centrally controlled.

Such a control of the groups called sovereign States is outlined in the bill. They are to give up navies—the hip-pocket pistols of nations. This deadly arm will be reserved to the policeman. And they are to give up land fortifications and land forces, as far as those are set up for international conflicts.

Thus yielding up their jungle independence, nations will exchange an illusory freedom, based on competitive hip-pocket arsenals, for a surer freedom, based on the justice of the peace and his constable. Thus secured, national energies may be turned to the great social problems confronting us. It is this same freedom by subordination which permits us to seek life, liberty, and the pursuit of happiness in our private lives.

And the ultra pacifists, those who hope that nations may be ruled entirely by love of order, who say that this love of order will render armaments unnecessary, they also may well support the spirit, if not the letter, of section 3.

Powerless now to put the world on a basis of peace without force, they may, they will, indorse a declaration by this Government that it is striving to eliminate at least one force system—that of competitive

arms. They will not indorse the idea that an international tribunal must have central force behind it as sanction for its decrees.

Instead of a reference to an armed international tribunal they would have reference to a tribunal (or tribunals) resting solely on "public opinion," without an instrument of enforcement.

If you should adhere to the contrary idea—that of the bill—they, nevertheless, should welcome a declaration which puts hope of better things in every heart.

Again there are those who suggest various halfway measures lying between no force and a sufficient central force. Their views are not adopted by those who urge this bill. But they, also, may support a measure which moves toward the goal that is implied, though not expressed in their various programs. True, their compromises are based on the retention of competitive national forces. But for the most part this retention is itself based on the pessimistic theory that nothing better can be done. If you, the legislators of our great Republic, will but courageously attack the problem of international organization, they will be partially relieved of their pessimism and may then hopefully modify their programs.

Unfortunately upon none of these compromises can we predicate a cessation or even a diminution of competitive armaments, such as section 3 provides. That result can be obtained only through the beatitudes of the ultra pacifists, or the more familiar judge-and-police theory of this bill.

Those who, though sympathetic with the general intent of the measure, are yet cautious in their commitments, will observe that even the moral engagement made is conditioned upon the establishment of an institution to which our own Government must consent. This protects against any surprise or any misconception. It even permits radical modification.

Congress may desire to give expression to the vow for peace that is contained in the bill without espousing either the ultra-pacifist theory of forceless sanction, or the central-force theory set forth in the tentative draft of articles of agreement. In such case section 3 might be modified to provide for the return of unexpended balances "when there shall have been established with the consent of the United States a tribunal (or tribunals) competent to secure international peace without international war."

In the judgment of those favoring the bill as it stands, this form would, in application, mean the same thing as the present form, but it might save the feelings of those who oppose force.

The serious objection to the adoption of such a compromise phrasing lies in this, that it cuts out discussion of the tentative draft.

Simultaneous discussion in responsible parliaments of identical propositions, for an armed international tribunal, that is one of the objects of this bill. And how vastly important if we are to know "where we stand" on this great question!

Only by consideration of specific provisions for the great compromise can we know whether or not the world is at all ready for the great day. Perhaps in such discussion it may even appear that the pacifists are right. Or it may appear that the world actually prefers its Waterloos, its Gravalottes, its Marnes, its Trafalgar Bays, to an ordered life of industrious peace. Very well; let the discussion go on. Only by discussion shall we know. Let us find that we

agree on one article and widely differ on another. Very well; out of it all we shall find the mind of the nation. Definite discussions in responsible parliaments! What a step forward from the hazy harangues of irresponsible dreamers, or the brutal "no" of the heavy conservatives!

Will you take up this task? Will you, in the seats of power, decide that this great question shall be studied "without skepticism and without cynicism?" Can the precious hours of a great parliament be better spent than in discussing means of saving thousands of lives, and thousands of fortunes? Can any man, vested with power, refuse to consider the fate of his lowly brothers in all lands? Let us remember that while war may be, for some, a glorious, though tragic pastime, its main meaning is, for the poor, a continuing sacrifice of those comforts which we call necessities; of those little superfluities which lead upward from the dull forms of animal life.

And in the making of war, these humble brethren, scarce knowing why they die, are led to mutual slaughter. Peasant kills peasant. Both sink to inglorious darkness, while poverty grips their unoffending women and unconscious babes.

What has been said above refers to the period beginning after the close of the present war. Concerning the existing conflict we shall probably not be able to intervene in any direct and controlling manner.

But the adoption by us of section 3 of this bill would probably constitute the best help, the most suggestive message which could be given by us to belligerents now confused by passion yet surely seeking some way out of the chaos into which they have fallen.

Very respectfully, yours,

OSCAR T. CROSBY.

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